

REMARKS

In the Office Action mailed May 22, 2009 the Office noted that claims 15-31 were pending and rejected claims 15-24 and 27-31 and objected to claims 23-26. Claims 15, 17 and 31 have been amended; no claims have been canceled; and, thus, in view of the foregoing claims 15-31 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

ALLOWABLE SUBJECT MATTER

The Office has indicated that claims 23-26 would be in a condition for allowance if re-written to include the features of the independent claims and any intervening claims as well as overcoming the indefiniteness rejection. The Applicant thanks the Office for the consideration given the claims and submits that the claims are allowable for the reasons discussed below. The features of claims 6-9 are now found in claims 23-26.

CLAIM OBJECTION

Claim 31 stands objected to for informalities. In particular, the Office asserts that the claim contains a repeated word. The Applicant has amended the claims to overcome the objection.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claims 16-31 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Office asserts that claims 17 and 31 contain indefinite terms.

The Applicant has amended the claims to overcome the rejection. The Applicant submits that no new matter is believed to have been added by the amendment of the claim.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 15-21, 27 and 31 stand rejected under 35 U.S.C. § 103(a) as being obvious over Liam, WO 01/33503 in view of Bague, U.S. Patent No. 6,246,933. The Applicant respectfully disagrees and traverses the rejection with an argument and amendment.

Liam discusses detecting a traffic incident of a vehicle via a sequence of video images.

Bague discusses an on-board vehicle accident analysis system that records vehicle parameters and video images taken by cameras within the vehicle.

The Applicant has amended claim 17 to recite "A method of detecting an incident on a portion of route situated in a scene said portion of route is suitable for having objects travelling therealong, and the method making use of a video camera **controllable in one of azimuth, elevation and field of view and** having a target constituting an optoelectronic converter of a real optical image of the scene, said target being controlled by a programmable processor member, said process detecting incidents comprising: **A) having said programmable processing member determine that said video camera is substantially stationary in relation to said scene by i) determining in said video camera at least one point selected on a current real image of said scene, outside of said portion of said route, is approximately at the same position on at least one of a set of immediate previous targets; ii)a) if not so, coming back to step i); ii)b) if so, moving to step B) B) having said programmable processor member process said current real images to detect incidents."**

Support for the amendment may be found, for example, in Fig. 1 and ¶¶ 0026; 0035; 0036; 0040; 0045 and 0052 of the printed publication version of the Specification. The Applicant submits that no new matter is believed to have been added by the amendment of the claims.

The key difference between the invention as embodied in the claims and Liam is that the invention is targeted at a

pre processing to determine if the camera (not the vehicle) is moving or still in azimuth, elevation and field of view. If it is moving, AID cannot be performed efficiently. If it is still, it can. Thus, the present claim 17 is limited i) to cameras with a number of degrees of freedom; and ii) it is directed at this pre processing and at nothing else. The process for determining that the camera is stationary is to detect at least one point, which is not in a moving portion, which is substantially at the same position on the target image on a succession of frames, meaning that the target image (and hence the camera) has not moved in relation to the real image.

Thus, Liam does not discuss having said programmable processing member determines that said video camera is substantially stationary in relation to said scene. The Office does not assert and the Applicant has not found that Bague discloses such a feature, nor that the combination of Liam and Bague disclose such a feature.

Therefore, for at least the reasons discussed above, Liam and Bague, taken separately or in combination, fail to render obvious the features of claim 17 and 31 and the claims dependent therefrom.

Claims 22 and 28-30 stand rejected under 35 U.S.C. § 103(a) as being obvious over Liam in view of Bague further in view of Michalopoulos, U.S. Patent No. 4,847,772.

Michalopoulos discusses a traffic analysis system in

which pixels selected and marked for further processing by an operator.

Michalopoulos adds nothing to the deficiencies of Liam and Bague as applied against claim 17 as discussed above. Therefore, Liam, Bague and Michalopoulos, taken separately or in combination, fail to render obvious the features of claims.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 103. It is also submitted that claims 15-31 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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